



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



**LETTER OF DEFICIENCY
WET #SC2003-0001**

February 24, 2003

Charles Williams
6 Dow Lane
Rye, NH 03870

**RE: Wetlands Bureau Complaint File #2001-35, Williams, 348 Bayside Road, Greenland
Tax Map R-16 / Lot 20.**

Dear Mr. Williams:

On December 23, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection, along with Bob Cushman, Greenland Building Inspector, and Mary Williams, real estate agent, of the above referenced property, more specifically referenced on the Town of Greenland Tax Map R-16 as Lot 20 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law.

DES personnel determined that filling and/or disturbing the substrate of approximately 10,020 sq. ft. of wetlands took place on the property.

A permit is required from the DES Wetlands Bureau before doing any work in a jurisdictional area, in this case, a wetland. Therefore, DES requests that you take the following action:

1. Retain a qualified wetland consultant to generate a plan which depicts existing condition: showing the topography of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.
2. Submit both the existing conditions plan, and a restoration plan no later than April 21, 2003 for review and approval including:
 - a. A plan with dimensions for the removal of approximately 6,940 sq. ft. of unpermitted fill in wetlands in the equipment parking area, in the area near the existing swimming pool, and regrading the disturbed areas to original contours;
 - b. Planting plan (forested/scrub-shrub wetland species) for the stabilization of the removal areas;
 - c. Equipment and methods of erosion control (silt fence, hay bales, etc.);
 - d. Construction sequence and timetable for accomplishing remediation no later than July 21, 2003.

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3. Apply after-the-fact to retain 3,080 sq. ft. of wetland impact to construct a driveway to access upland for the equipment storage area. Standard Dredge and Fill application is enclosed.
4. Retain a qualified wetland consultant to supervise and execute the requests of this letter.
5. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Enforcement Investigator
Wetlands Bureau
Department of Environmental Services
360 Corporate Drive
Suite 2
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183.

Sincerely,

COPY
Dori Wiggins
Coastal Supervisor
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL #7002 2410 0001 6279 0973

cc: Rene Pelletier, Manager, Land Resources Management Program
Mark Harbaugh, DES Legal Unit
Bob Cushman, Greenland Building Inspector
Greenland Conservation Commission